

APPLICATION: MA/11/1823 Date: 14 October 2011 Received: 4 November 2011

APPLICANT: Mr & Mrs Coles

LOCATION: ROUND OAK FARM, HENIKER LANE, SUTTON VALENCE,
MAIDSTONE, KENT, ME17 3ED

PARISH: East Sutton

PROPOSAL: Change of use of land to a holiday caravan site with the stationing
of 3 static holiday let caravans as shown on drawing nos. 11/1001,
11/1010 and 11/1011 received on 24th October 2011.

AGENDA DATE: 7th June 2012

CASE OFFICER: Richard Timms

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council
- It is a departure from the Development Plan

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV34, ED20
- The South East Plan 2009: CC1, CC6, RE1, NRM5, C4, TSR2
- Government Policy: NPPF 2012
- Good Practice Guide on Planning for Tourism 2006

2. HISTORY

MA/12/0350 - Erection of an agricultural dwelling – UNDER CONSIDERATION.

MA/11/1408 - Erection of a single storey lambing and welfare shed – APPROVED WITH CONDITIONS.

MA/11/0309 - Erection of a detached agricultural dwelling – WITHDRAWN.

MA/10/1950 - Erection of a new agricultural barn for storage and handling – APPROVED WITH CONDITIONS.

MA/10/1562 - An application for prior notification of agricultural development being the erection of an agricultural barn - APD Planning Permission Needed.

MA/09/1814 - Use of land for the stationing of a mobile home for use in connection with agricultural farm land, for a temporary period of 3 years – APPROVED WITH CONDITIONS.

MA/08/1659 - An application for the prior approval of the Local Planning Authority for the erection of an open sided portal framed building for hay storage – WITHDRAWN.

MA/08/1912 - Application for prior approval of the Local Planning Authority for the erection of an agricultural building - Prior Approval Given.

MA/07/1869 - An application for the prior approval of the Local Planning Authority for an extension to an agricultural barn - Prior Approval Refused.

MA/06/1658 - An application for the prior approval of the local planning authority for the erection of an agricultural farm building – WITHDRAWN.

MA/05/2096 - An application for the prior approval of the local planning authority for the erection of an agricultural building for storage of farming equipment and machinery; and for the storage of crops, silage and hay - Prior Approval Given.

3. CONSULTATIONS

- 3.1 **East Sutton Parish Council:** Raise objections to the application and request the application is reported to Planning Committee.

"At the recent planning meeting East Sutton Parish Council discussed the above application and agreed to recommend refusal and are prepared to go to planning committee. They believe that there are access issues onto a very narrow country lane, that the parking issue has not been addressed. The applicant states that there are already hook up points for four touring caravans in addition to the three static vans applied for. Visitor parking has not been mentioned. The farm is currently rearing a rare breed sheep for sale as breeding stock and meat. This business is growing and the Parish Council cannot see the necessity to change the use of the land when it might set a precedent for farmland. There is also an under used caravan park within one and a half miles of this site."

- 3.2 **KCC Biodiversity Projects Officer:** No objections subject to retention of existing vegetation, biodiversity enhancements and details of lighting.

"No ecological information has been supplied in support of this application. We have reviewed the details supplied, site photographs and aerial photographs and have attended a site visit (17th January 2012). From the results of our desktop assessment and site visit, we do not consider it necessary to require an ecological assessment as part of the application at this time."

The proposals state that the caravans will be sited in existing clearings within the wood. This would ensure that the potential for direct ecological impacts within the site is limited. The areas of the site that hold the greatest ecological value are the trees, the hedgerow bordering the road and the patches of bramble/scrub within the wood.

As such, and in order for us to remain of the conclusion that no ecological survey is currently necessary, we advise that all of these features must be retained. We advise that any changes to the application which would necessitate clearance of trees, hedgerow or the bramble/scrub areas would require ecological assessment on the part of the applicant.

If minor works (e.g. trimming back of scrub/bramble) are required to vegetation of potential suitability to nesting birds, such as those mentioned above, the works must be undertaken outside of the bird breeding season (bird breeding season is March to August inclusive), in order to minimise the potential for damage and/or destruction of bird nests that are in use or being built, which is an offence under the Wildlife and Countryside Act 1981 (as amended). Alternatively, if the timing cannot avoid this period, an inspection by a suitably experienced ecologist to ensure that there are no active bird nests present would be required.

There is no lighting proposed within the application. If this is considered necessary in the future, we advise that this must not result in illumination of the trees, which given their maturity have the potential to be suitable for roosting bats. Any lighting proposed must be in accordance with the following Bat Conservation Trust recommendations (where applicable):

- *Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.*
- *Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.*
- *The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.*
- *Lamps of greater than 2000 lumens (150 W) must not be used.*
- *Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.*
- *The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.*
- *The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.*

- *The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the*

The key principles of PPS9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. We advise that ecological enhancements for this proposal could include gapping-up of the hedgerow along the road with native, local provenance species and the management of the hedgerow for optimal wildlife value, e.g. through a reduced cutting/trimming regime.”

3.3 MBC Landscape Officer: No objections subject to a condition requiring an arboricultural method statement.

“The proposal is not accompanied by any arboricultural information. However, it is clear that this proposal will involve activity within the root protection area of mature Oak trees. The woodland is not currently subject to a Tree Preservation Order.

The application lacks the necessary detail to substantiate the claim in the design and access statement that ‘no trees are to be affected whatsoever’. I disagree with this statement and consider that if suitable measures are not taken, significant harm to trees could occur, particularly their roots.

However, I do not object to the basic principle of the application on arboricultural grounds. I consider that the proposal could be successfully undertaken without significant harm to trees, provided that careful consideration of the potential impact of the development of trees is undertaken and that suitable measures are implemented to avoid or minimise that impact.

I therefore recommend that an Arboricultural Method Statement (AMS) is required by condition prior to the commencement of any development. The condition should require the details to submitted and approved by the Local Planning Authority prior to any machinery or vehicles entering the site, or any excavations taking place within the root protection area of trees as defined by BS5837:2012.

The AMS should consider all operations related to the proposal during construction and future use, which have the potential to cause harm to trees, directly or indirectly.

This should include, but not necessarily be limited to, consideration of the location and installation method of the cabins, the foundations of the cabins, the location and installation of any services (including gas, water, electricity and waste), the location and design of the access track and parking spaces using a no-dig and permeable construction within the root protection area of trees. The AMS should include a schedule of any facilitation pruning required to implement the development. Where tree protection measures are considered necessary, full details of these should be included within the AMS.”

3.4 Kent Highway Services: No objections subject to a condition securing parking.

3.5 **Environmental Health:** No objections subject to specific details of foul sewage disposal.

3.6 **Environment Agency:** No objections.

4. REPRESENTATIONS

4.1 **Sutton Valence Parish Council (neighbouring parish):** Raise objections to the application and request the application is reported to Planning Committee.

"There is no information as far as they can see on the siting of the touring vans. It states on the application that there is no alteration to numbers of vehicles on the site, when quite obviously there must be. There is no detailed explanation of where the vehicles will be parked and no mention of possible visitor parking. Heniker Lane is an extremely narrow country lane and the Parish Council would not want to see additional traffic movement on this."

5 CONSIDERATIONS

5.1 Site Description

5.1.1 Round Oak Farm comprises a livestock farm of some 82 acres (33.2 ha) which the applicant owns to the south of Heniker Lane. As well as the main owned holding the enterprise utilises various offlying held on tenancies/grazing licences. The main enterprise to date has been the build-up of a flock of rare breed Hebridean sheep and there is also a herd of Highland cattle, several Tamworth pigs, and some hens. The farm has developed in the past 7 years and has three existing agricultural buildings and a mobile home granted temporary permission in 2010 in the north corner of the farm.

5.1.2 The application site consists of an irregular shaped area of oak woodland (1.6ha) around 70m southeast of the farm's buildings. It adjoins Heniker Lane to the north and is bounded by grassland on the other sides. The mature trees are closely grouped but there are open areas and clearings, including where there is an un-metalled track running through the centre. Otherwise there are areas of scrub and smaller trees and bushes. There is a gated entrance into the woodland in the northwest corner which leads onto the track. The applicant explained that his family uses the woodland occasionally for recreational use and there is a timber building towards the southwest corner. The nearest houses to the site are at Heniker Cottages around 200m north of the site.

5.1.3 The site is within the open countryside designated as a Special Landscape Area (Greensand Ridge) under policy ENV34 of the Local Plan. The application site

falls within East Sutton parish and part of the farm's land to the west falls within Sutton Valence parish.

5.2 Proposal

- 5.2.1 Permission is sought for a change of use of the woodland to a holiday caravan site with the stationing of 3 static mobile homes. The mobile homes would be positioned just off the existing trackway in the southern half of the site. No operational development is proposed as the applicant intends to site the homes upon block piers and leave the woodland area as it is. Otherwise temporary and moveable decking would be placed outside the homes. The mobile homes proposed to be used would be around 11.5m x 3.6m and 2.7m in height providing 2 bedrooms, kitchen/living area and shower/toilet facilities. They would be timber clad with slate effect tiling.
- 5.2.2 No vehicular access is proposed within the woodland and visitors would be asked to park near the farm entrance within the farm courtyard area (3 spaces) and would then be escorted via buggies or walk to the caravans. Foul drainage would be dealt with by a package treatment plant. Only lighting within and on the homes is proposed.

5.3 Principle of Development

- 5.3.1 Policy ED20 of the Local Plan relates to holiday caravan and camping sites and can allow for such development in the countryside as an exception to the general theme of constraint. It states that such uses will be permitted provided the site is not an intrusive feature in the landscape and is capable of being adequately screened and landscaped, there are appropriate access and parking arrangements, there is no detrimental impact on neighbouring land uses or residential amenity, and that the presence of similar uses in the locality would not lead to unacceptable environmental or highway impacts. As such, the principle of the development is acceptable and detailed consideration must be given to these issues. The site falls within a Special Landscape Area and therefore careful consideration must be given to the impact upon this landscape.
- 5.3.2 The South East Plan promotes sustainable development which respects the environment and policy TSR2 (Rural Tourism) provides encouragement for tourism and recreation-based rural diversification of a scale and type appropriate to their location.
- 5.3.3 The NPPF outlines that planning should achieve sustainable development through economic, social and environmental roles with one of the core principles to recognise the intrinsic character and beauty of the countryside and support thriving communities within it. Section 3 relates to the rural economy and

outlines that planning policies should support sustainable growth and expansion of all types of businesses and enterprises; promote the development and diversification of agricultural and other land-based rural businesses; and support sustainable rural tourism and leisure development that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

- 5.3.4 Paragraph 118 relates to biodiversity where decisions should aim to conserve and enhance biodiversity, designated sites and irreplaceable habitats should only be affected in exceptional cases and significant harm resulting from development must be mitigated, or as a last resort, compensated for.
- 5.3.5 Overall, the principle of a new holiday caravan site is acceptable having regard to the Local Plan, South East Plan and the NPPF and detailed consideration needs to be given to landscape impact, biodiversity, residential amenity and highway safety.

5.4 Landscape Impact

- 5.4.1 The explanatory text to policy ED20 recommends that sites, "should be sited in well screened, un-intrusive locations, and sites surrounded by mature woodland or taking good advantage of concealing natural land forms". For the proposed site, the mature woodland would provide very good screening of the development from Heniker Lane to the northwest, north and east, and from public footpath KH509A some 200m to the south. Whilst the mobile homes would not be more visible from Heniker Lane in the winter months when the trees and roadside hedging is not in leaf, any views would still be heavily broken by vegetation such that the development would not be intrusive or prominent.
- 5.4.2 During hours of darkness, the development would introduce lighting at the site into an area which is currently unlit. However, again it would be broken by vegetation and the scale of the use in my view would not be entirely out of character with the amount of lighting at other small groups of houses or development in the locality.
- 5.4.3 I have discussed potential caravan site licence requirements with the Council's licence officer in view of what other development may be required at the site that could have an impact. The main development can include access ways and paths for fire safety access (which should be suitably lit) and hard standings for caravans. He considers hard surfaced bases are likely to be needed to properly support the homes and lighting would be necessary for safe access. My view is that such development would have a minimal visual impact upon the landscape but the impact upon trees needs to be carefully considered.

5.5 Impact Upon Trees

- 5.5.1 The applicant does not propose any operational development and wishes to maintain the woodland area as it is. However, as stated above there may be caravan site licence requirements. I have been advised that a hard surfaced access may be required for fire safety access but this would not be definite and sprinkler systems within caravans are an option. I consider that if an access track cannot be avoided it should be subject to a further planning application so the impact upon trees can be fully assessed. Any application can fully consider the location, installation method and design of any access track to ensure no unacceptable impact upon trees. As such, I will remove permitted development rights for development required under a site licence to control this.
- 5.5.2 For other more minor development potentially required such as foundations for the cabins (bearing in mind they are in clearings), the location and installation of any services and lighting, I consider a condition requiring an Arboricultural Method Statement (AMS) to protect trees is appropriate.
- 5.5.3 The Council's landscape officer has been consulted and does not object to the basic principle of the application on arboricultural grounds. It is advised that the proposal could be successfully undertaken without significant harm to trees, provided that careful consideration of the potential impact of the development on trees is carried out and that suitable measures are implemented to avoid or minimise that impact. The AMS will consider the location and installation method of the cabins, any foundations for the cabins, the location and installation of any services (including gas, water, electricity and waste). The AMS can also include a schedule of any facilitation pruning required to implement the development. Where tree protection measures are considered necessary, full details of these can be included within the AMS. Based on the advice, I consider this would ensure adequate protection for existing trees.
- 5.5.4 Overall, I consider the impact of the development upon the landscape would be relatively low and would not result in any significant or unacceptable harm to the character or appearance of the area. Additional landscaping can be provided, including strengthening the roadside hedge and new hedges along the other boundaries of the woodland. I have taken into account that the mobile homes at the site could change in future (provided they fall within the legal definition of a caravan) but due to the good screening at this site this does not alter my view. I also note that the explanatory text to policy ED20 recommends that sites should be located outside Special Landscape Areas, however, this is a recommendation and not part of the policy itself. Nonetheless, I do not consider the development causes demonstrable harm to the Special Landscape Area so this is not considered grounds for objection.

5.6 Biodiversity Impacts

5.6.1 The site does not fall within an area with a local or national designation nor is it ancient woodland, however, it clearly holds some ecological value. For this reason the KCC Biodiversity Projects Officer has carried out a site visit to judge the need for any surveys. On the basis of the site visit, the advice received is that it is not considered necessary to require an ecological assessment as part of the application. The officer notes that the mobile homes would be sited in existing clearings within the wood and that this would ensure that the potential for direct ecological impacts within the site to be limited. (This would also be the case for any roadway or path required under a site licence). It is advised that the areas of the site that hold the greatest ecological value are the trees, the hedgerow bordering Heniker Lane and the patches of bramble/scrub within the wood, which would not be affected. Based on this advice which raises no objections, I am satisfied that significant harm would not result from the development.

5.6.2 However, the NPPF requires conservation and enhancement of biodiversity and so I consider that a plan to manage the site in order to protect and enhance biodiversity is appropriate. This can include management of the woodland to protect the patches of bramble/scrub, details of gapping-up of the hedgerow along the road with native, local provenance species, new native landscaping, management of the hedgerows for optimal wildlife value, e.g. through a reduced cutting/trimming regime and details of appropriate lighting. This can be secured through condition.

5.7 Residential Amenity

5.7.1 The nearest houses are around 200m to the north and I do not consider the scale of the use would result in any unacceptable levels of noise, disturbance or nuisance to these properties either from use of the site itself or vehicle movements on local roads. Due to the distance there would be no loss of privacy to any nearby houses.

5.8 Highways

5.8.1 Kent Highway Services have considered highway safety and the parking provision of 3 spaces. No objections are raised subject to securing the parking provision which will be dealt with by condition. On this basis I consider there are no highway safety issues with the development.

5.9 Other Matters

5.9.1 Policy ED20 at its end states that,

"A holiday occupancy condition will usually be attached, preventing use of the site as a permanent encampment. The condition will limit occupation to a specified ten month period in any calendar year."

- 5.9.2 As Members may recall on recent committee reports relating to occupancy conditions, the Government's 'Good Practice Guide on Planning for Tourism' (2006), which is still extant following publication of the NPPF, must be given weight in the consideration of this application because it still provides the most up to date guidance on such matters.
- 5.9.3 Annex B specifically deals with seasonal and holiday occupancy conditions and outlines that the nature of holidays has become increasingly diverse, in location, in season and in duration. Many people go away several times a year, often for short breaks and not exclusively in the summer months. The guide refers to 'seasonal occupancy' conditions but advises their use only if seeking to protect the local environment. Essentially this guide is advising local planning authorities to be flexible and only impose seasonal conditions for specific environmental reasons.
- 5.9.4 I am also aware of recent appeal decisions relating to holiday accommodation (outside the Borough) where Planning Inspectors have taken the approach in this guidance. The general view being that although traditionally a 'closed period' has been imposed on caravan parks, tourism is a year round activity with closed periods only needed in specific circumstances and that such conditions can be unduly onerous in the context of the current holiday market. Inspectors have considered that year round holiday use can be acceptable. I am also mindful that recent permissions have been granted in the Borough which do not require a close in the occupancy period. For example, 'Pilgrims Retreat', Highbarn Lane, Harrietsham that was granted at Planning Committee on 29th March 2012.
- 5.9.5 However, there is obviously still a need to prevent a permanent residential use in the countryside, which is contrary to established planning policy. This is commonly in the form of a condition restricting the caravans to holiday purposes only and not being occupied as a person's sole or main residence. I do not consider a register of names of occupiers and their main home addresses is necessary as was deemed the case for the 'Pilgrims Retreat' because the mobile homes would not be individually owned as was the case there. My opinion is that the following condition would be sufficiently robust to enable enforcement action to be taken against any potential breaches, and thus suitable to prevent permanent residential occupation:

All accommodation units permitted at the site shall be occupied for holiday purposes only. No such accommodation shall be occupied as a person's sole or main place of residence.

- 5.9.6 The Environmental Health Manager has requested more specific details of foul drainage which would be dealt with by a package treatment plant. I consider this could be dealt with by condition to ensure this would be appropriate, and if not, that an alternative method could be employed. I note the Environment Agency has raised no objections and this would also be dealt with under a caravan site licence.
- 5.9.7 Other matters not considered above include the Parish Council raising the issue of precedent and an under-used caravan park within one and a half miles of this site. Each application must be judged on its own merits and any decision would not set a precedent. I do not consider an underused caravan park in the vicinity is sufficient grounds to object to this application. For the above reasons, there is not considered to be any unacceptable harm caused by the development and there is no requirement in policy to demonstrate a specific need for such uses. This is a small scale proposal and there is no evidence to suggest that it would not necessarily be successful.

6. CONCLUSION

- 6.1 Local, regional and national policy can allow for holiday caravan and camping sites at rural locations and for the above reasons it is considered that the proposal would not cause any unacceptable harm to the area. The development is therefore considered to comply with the Development Plan and subject to conditions, I recommend that planning permission be granted.

7. RECOMMENDATION

Subject to the expiry of the site notice and advert publicising the application as a Departure from the Development Plan and the receipt of no representations raising new issues material to the decision, I be given DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. All accommodation units permitted at the site shall be occupied for holiday purposes only. No such accommodation shall be occupied as a person's sole or main place of residence.

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency, which would be contrary to National and Local Plan Policy discouraging the proliferation of new dwellings in the countryside and in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF 2012.

3. No caravan shall be occupied by any one individual or group of individuals for any period longer than one month and there shall be no return by an individual or group of individuals within 4 weeks of leaving occupation of the site.

Reason: To ensure that the site is not used for permanent residential accommodation pursuant to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF 2012.

4. No more than 3 holiday caravans shall be provided on site.

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policies ENV28, ENV34 and ED20 of the Maidstone Borough Wide Local Plan 2000 and the NPPF 2012.

5. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policy T13 of the Maidstone Borough Wide Local Plan 2000 and the NPPF 2012.

6. The development shall not commence until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall accord with the recommendations of 'BS5837:2012 Trees in relation to design, demolition and construction - Recommendations' and shall include the following details:-

- a) Details of any caravan foundation design and methods of construction,
- b) The location and installation of services and lighting within and to the site, and
- c) The design, location and installation of tree protection measures.
- d) The installation method of the caravans including a schedule of any facilitation pruning required to implement the development

The AMS should use no-dig and permeable construction methods within the root protection area of trees. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought on to the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit within any of the areas protected by this condition. The siting of barriers and/or ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory appearance to the development pursuant to policies ENV28, ENV34 and ED20 of the Maidstone Borough-Wide Local Plan 2000.

7. The development shall not commence until details of any lighting to be placed, erected or provided within the site has been submitted to and approved in writing by the local planning authority. Such details must demonstrate how they have had regard to biodiversity implications including upon bats. The development shall thereafter be undertaken in accordance with the subsequently approved details and no additional lighting to that approved shall be placed, erected or provided within the site at any time without the prior approval of the local planning authority.

Reason: In the interests of the character and amenity of the surrounding countryside and biodiversity and to prevent light pollution pursuant to policies ENV28 and ENV34 of the Maidstone Borough Wide Local Plan 2000 and the NPPF 2012.

8. The development shall not commence until details of a landscape and biodiversity management plan have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the management and retention of the woodland to protect the patches of bramble/scrub and to enhance its biodiversity value, details of hedgerow improvements and management along the north boundary of the site and details of new native hedge planting and subsequent management along the boundaries of the site. The development shall subsequently be carried out in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and in the interests of biodiversity protection and enhancement in accordance with policy ENV28 of the Maidstone Borough Wide Local Plan and the NPPF 2012.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the caravans or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policy ENV28 of the Maidstone Borough Wide Local Plan and the NPPF 2012.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 5, Class B to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard existing trees and protect the character and appearance of the area in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF 2012.

Informatives set out below

The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Environmental Health Project Manager on 01622 602145 in respect of a licence.

The proposed development is not in accordance with policy ED20 of the Maidstone Borough-Wide Local Plan 2000. However, the development does comply, subject to the conditions stated, with the more recent advice and guidance contained within the Good Practice Guide on Planning for Tourism 2006. This is considered to represent circumstances that outweigh the existing policies in the Local Plan and there are no overriding material considerations to indicate a refusal of planning consent.